

Town of Amherst
Zoning Board of Appeals
SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2014-00014, to modify condition # 3 of ZBA FY2006-00046 to formalize the reconfiguration of the four required parking spaces, at 318 Lincoln Avenue (Map 11C, Parcel 55, R-G Zoning District), with the following conditions:

1. Except for parking, all other conditions of ZBA FY2006-00046 shall remain in force.
2. The parking shall be as shown on the Town GIS parking plan, dated December 19, 2013.
3. There shall be no more than four vehicles parked on the property on a regular basis.
4. The gravel driveway and parking areas shall be maintained seasonally or more often if needed in order to: a) prevent significant ruts and/or vegetation within the gravel area and, b) to maintain a distinct edge between the gravel and any lawn or landscaped areas.

Tom Ehrgood, Acting Chair
Amherst Zoning Board of Appeals

DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

Decision

Applicant/Owner: Priscilla White, 318 Lincoln Avenue, Amherst, MA 01002

Date application filed with the Town Clerk: January 13, 2014

Nature of request: For a Special Permit to modify condition # 3 of ZBA FY2006-00046 to formalize the reconfiguration of the four required parking spaces

Address: 318 Lincoln Avenue (Map 11C, Parcel 55, R-G Zoning District)

Legal notice: Published on February 5, 2014 and February 12, 2014 in the Daily Hampshire Gazette and sent to abutters on February 4, 2014

Board members: Tom Ehrgood, Carolyn Holstein, Pari Riahi

Staff members: Jeff Bagg, Senior Planner and Rob Morra, Building Commissioner

Submissions:

- Application form filed with the Town Clerk on January 13, 2014
- Parking Plan, dated December 19, 2013
- Applicant narrative, dated January 31, 2014
- Existing conditions photograph
- Management Plan
- ZBA FY2006-00046 with approved parking plan
- Lot coverage map

Site Visit: February 19, 2014

The Board observed the following:

- The location of the existing gravel driveway and parking area.
- The approximate location of the walkways to house and supplemental unit, and wood timbers at the south edge of the parking area.
- The configuration of the three cars parked on the property at the time.

Public Hearing: February 19, 2014

Mr. Ehrgood provided an overview, explaining that this application is in connection with the Town's Rental Permit program. The program is intended, in part, to review compliance with conditions of previous Special Permits. In this case, the applicant, Priscilla White, is seeking modification of condition #3 of the 2006 Special Permit to allow a different parking arrangement than was originally approved.

In 2006, the Zoning Board of Appeals granted a Special Permit requiring parking to be parallel and to provide a turnaround area. Condition # 3 reads:

"The driveway shall be altered to provide parallel parking and a turn-around as approve by the Board at the public meeting on June 22, 2005"

The approved plan also references Section 7.102 and 7.104. The approved parking plan was a “sketch” plan which contained no scale or dimensions.

The applicant’s narrative states:

- The parking was reconfigured to the originally approved plan but was found to be a hindrance to access and egress of both the front and side entrances to the house.
- There was not enough width to parallel park the four cars without blocking access to the sidewalks to the front and side entrances. The parking area was subsequently changed to be the four cars stacked, as shown on the submitted plan.
- Two factors have also changed since 2006. A large shrub at the end of the driveway is now pruned and the visibility when backing out has been greatly improved.
- Lincoln Avenue now has speed bumps that have slowed traffic
- Many homes on Lincoln Ave utilize the stacked parking arrangement and have found it to be safe and workable.

No site changes are required to accommodate the four vehicles stacked as shown on the parking plan.

The following requirements under Article 7 appear to be met:

7.0000 - *Two (2) parking spaces for each dwelling unit.* The proposal reconfigures the same four parking spaces required in the original permit.

7.0001 – *Parking spaces for cars or similar vehicles shall be on a paved surface such as concrete, bituminous asphalt, masonry pavers, oil and stone, gravel, trap rock, or a similar material (see Section 7.101).* As shown on the existing conditions photograph, the existing parking area appears to be on existing gravel surface suitable for parking vehicles. The photograph shows that the driveway contains existing gravel.

7.101- *Paving: For the purposes of this bylaw, a paved parking surface shall be considered to be one which has a prepared subgrade and compacted gravel base with a minimum total 12 inch depth, appropriate grading and drainage, and which is surfaced with a minimum 2 inch top coat of concrete, asphalt, masonry pavers, oil and stone, gravel, trap rock, or similar material, as approved or modified by the Town Engineer. To the extent feasible, permeable or porous paving shall be employed in new construction or site renovations or improvements.* No information was submitted with respect to the parking surface other than the photograph. Ms. White stated that the surface is gravel and there have been no issues related to mud or ruts.

7.0002- *In any residential district, there shall be a maximum of two (2) cars or similar vehicles allowed to be parked in the front setback of any property. Parking in the front setback shall be on paved surfaces only. Where five (5) or more cars are regularly parked on a given property in association with a residential use, parking in the front setback shall be designed so as to ensure free passage at all times for regular users and unrestricted access for emergency vehicles.* The proposal includes two cars parked in the front setback as allowed under this provision.

7.104- *Dimensions, Marking & Delineation* - *The area of all parking areas shall be included in the calculation of maximum lot coverage.* An approximate total lot coverage calculation is 37.1% which complies with the total lot coverage limitation of 40% in the R-G district.

Parking areas shall be clearly delineated and shall be provided with a permanent dust-free surface and adequate drainage. The proposed parking area is delineated by the fence along the north side and the existing wood timbers along the south side. The parking area is generally flat and compacted and there do not appear to be any issues related to drainage.

Each parking space shall be at least 9 feet x 18 feet in size, and all parking areas must have adequate access and maneuvering areas. The proposal provides parking spaces which are 9 feet x 18 feet in size. As described by the applicant, the arrangement, although stacked, provides adequate access and maneuvering areas.

The Zoning Board of Appeals (SP) or the Planning Board (SPR) may allow, upon application, small car parking spaces (8 feet x 16 feet) to be substituted for up to fifty percent of the standard parking spaces. Compact parking spaces shall be designated by clearly visible signs. No compact spaces are requested.

Codes/Violations:

Since Inspection Services began monitoring complaints and/or violations in May 2012, none have been found for this property.

No members of the public spoke regarding this application.

Ms. Holstein MOVED to close the evidentiary portion of the public hearing. Ms. Raihi SECONDED and the Board VOTED unanimously to close the public hearing.

Public Meeting:

The Board discussed granting waivers or modifications to Article 7, as allowed under Section 7.9 of the Zoning Bylaw:

Any section or subsection of Article 7.0, Parking Regulations, may be waived or modified by the permit granting board for compelling reasons of safety, aesthetics, or site design.

The Board granted a waiver from Section 7.101 based on the existing parking configuration and its existing flat gravel surface.

The Board granted a waiver from Section 7.104 based on the parking configuration that provides adequate site lines to allow vehicles to back onto Lincoln Avenue. The Board found that this arrangement has occurred safely for years with no known issues.

Specific Findings:

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.383 & 10.387 - *The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements.* As described in the applicant's narrative, the original required parking arrangement was a hindrance to access and egress from the entrances of the main house and accessory apartment. The existing parking arrangement provides parking for the same number of vehicles without blocking access. Many properties on Lincoln Avenue utilize the stacked parking arrangement and backing into Lincoln Avenue is safe and workable.

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.* The proposal provides the minimum of four spaces required under Section 7.0000 and the original permit. The reconfiguration meets all of the other provisions of Article 7, except that the construction standards of Section 7.101 have been waived based on the suitability of the existing conditions.

10.398- *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.* The proposal provides for a more accurate depiction of existing parking conditions on this property which is important to the Town relative to the Rental Permit program.

Zoning Board Decision

Mr. Ehrgood MOVED to approve the application with conditions. Ms. Raihi seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2014-00014, to modify condition # 3 of ZBA FY2006-00046 to formalize the reconfiguration of the four required parking spaces, at 318 Lincoln Avenue (Map 11C, Parcel 55, R-G Zoning District), with conditions.

TOM EHrgood

CAROLYN HOLSTEIN

PARI RIAHI

FILED THIS _____ day of _____, 2014 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2014.

NOTICE OF DECISION mailed this _____ day of _____, 2014
to the attached list of addresses by _____, for the Board.

COPY OF NO APPEAL issued this _____ day of _____, 2014.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2014,
in the Hampshire County Registry of Deeds.